

UNITED STATES OF AMERICA,

Plaintiff,

vs.

XAVER MONTEZ BOSTON,

Defendant.

THIS MATTER is before the Court on Defendant's pro se Amended Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody under 28 U.S.C. § 2255. [Doc. 139].

The Court has conducted an initial screening of the petition under the Rules Governing § 2255 Proceedings, Rule 4(b) 28 U.S.C.A. foll. § 2255, and finds that: (1) the petition has been filed pro se under penalty of perjury; (2) the petition appears to be timely; and (3) Defendant has asserted a colorable claim for relief cognizable under § 2255(a). Upon consideration of the motion and the record of prior proceedings, the Court determines that the United States Attorney should file a response to Defendant's allegations.

The Court will direct that the United States file an answer or other responsive pleading to the Amended Section 2255 Motion to Vacate within sixty (60) days. Defendant may file a reply to the United States' response pursuant to Rule 5(d) of the Rules Governing Section 2255 Proceedings. The Court orders that any such reply must be filed within twenty-one (21) days of the filing of the United States' response.

IT IS, THEREFORE, ORDERED that:

1. The United States Attorney shall file an answer or other responsive pleading to Defendant's Amended Motion to Vacate, Set Aside, or Correct Sentence no later than **sixty (60) days** from the date of this Order.
2. Any reply filed by Defendant must be filed within **twenty-one (21) days** of the United States' response.

Signed: September 13, 2024

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge



